

REMARKS

Response is made to the Office Action mailed April 11, 2003 by the United States Patent and Trademark Office. This response accompanies a Petition to Revive for Unintentional Abandonment. By way of this Amendment and Response, the Applicants have amended claims 1, 12 and 21. Claims 1-10, 12, 14-17, and 19-25 remain currently pending in the above-identified patent application. The foregoing amendments and the following remarks are believed to be fully responsive to the Office Action and also render all currently pending claims at issue patentably distinct over the references of record.

Fees for the Petition to Revive are addressed elsewhere in this filing. Although no additional fee is believed to be required by this Response, the Commissioner is authorized and requested to obtain any extension of time and/or to pay any fee that may be required to prevent abandonment of this application. Any requisite fees may be debited (or any overpayments credited) to Deposit Account No. 50-2091.

PRIOR ART REJECTIONS

The Office Action rejects claims 1, 2, 4, 5, 7, 8, 10, 12, 14-17, 21 and 22 under 35 USC § 102(b), citing United States Patent No. 5,758,090 ("Doner"). The Office Action rejects the remaining claims under 35 U.S.C. § 103, citing the combination of Doner with US Patent No. 5,749,044 ("Natarajan"). Applicants respectfully traverse these rejections in that neither cited reference nor any combination of references discloses each and every limitation of the present claims.

The Doner reference describes a terrestrial cellular communication system whereby channels are assigned in concentric rings so that phones operating at approximately equal distances from the base station operate on the same channel (see Abstract at col. 3, lines 1-10, also FIG. 3 and accompanying text). While this scheme does provide some power balancing, this balance only occurs as a result of the physical distance from the base station.

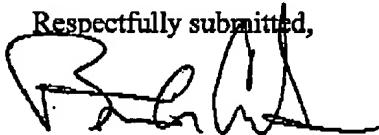
In contrast to the Doner reference, the present claims recite to the effect of determining a power level of a received signal and assigning the signal to a sub-band with an associated power range that encompasses the power level of the signal. To that end, claim 1 recites the step of "ascertaining a power level associated with the first communication upon receipt of the

connection". Claim 7 similarly recites "means for determining a power level associated with a wireless connection". Claims 12 and 21 effectively recite "determining a power level of a signal received". Doner does not disclose such functionality, nor would it have any need for such functionality, since power allocation within the Donor system is simply a by-product of geographic distance from the base station.

Further, the Doner scheme could not be modified to arrive at the present claims, since such a system would clearly not provide power balancing in a satellite environment that does not require a fixed terrestrial base station located within the cell. In satellite environments, the relative distances to the satellite far overwhelm any differences in geographic location within the cell footprint, so the Doner scheme could not be used to provide any sort of meaningful power balancing. Reconsideration of the rejections is therefore respectfully requested.

Applicants therefore submit that the application as amended is now in condition for allowance and such allowance is therefore earnestly requested. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the undersigned at (480) 385-5060.

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Respectfully submitted,

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